HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 5708 OF 2004

DATE: 16.04.2007

BETWEEN

1. T.S.R. Cold Storage Private Limited, rep by its M.D, T.Sidda Reddy, TSR Nagar , Nellore District.

....Petitioner

AND

1. The Government of A.P represented by its Principal Secretary, Agril. Cooperation Department, Secretariat-Buildings, Hyderabad and two others

.... Respondents

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HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 5708 OF 2004

ORAL ORDER:

The petitioner establishment is a Cold Storage Unit, at Chillakuru Village and Mandal, Nellore District. It made a representation to the second respondent to extend benefit of subsidized power supply, in terms of the scheme framed by the Government in G.O.Ms.No. 211, Agricultural& Cooperation (Mktg.II) Department dated 2.7.1999. A reference is made to the letter dated 17.6.2002, of the Director of Marketing, second respondent herein, addressed to the third respondent, recommending extension of the benefit. The grievance of the petitioner is that no action is taken by the respondents so far, and it seeks appropriate directions in this regard.

On behalf of the third respondent a counter affidavit is filed stating inter alia that the petitioner is not entitled for the benefit. Several reasons are stated.

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for the third respondent.

With a view to promote and encourage establishments of Cold Storage Units, the Government provided various incentives through its orders in G.O.Ms.No. 211 dated 2.7.1999. One such incentive is that the Cold Storage Units shall be extended power supply by allowing rebate of 25% on their electricity consumption charges for a period of three years from the date of commencement of commercial operations, subject to a ceiling of Rs. 30 lakhs. The petitioner made a representation to the third

respondent herein, for extension of the benefit.

The question as to whether the petitioner is entitled for benefit under the G.O or not, needs to be considered by the third respondent. Though certain reasons are stated by the third respondent in the counter affidavit, unless specific orders are passed and communicated to the petitioner, he would be disabled from pursuing remedies. The period of three years has already expired. In case the petitioner is extended the benefit, it would provide substantial relief to it. The matter cannot brook any further delay.

For the foregoing reasons, the Writ Petition is disposed of directing the first respondent to pass specific reasoned orders on the representation made by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Depending on the nature of orders that may be passed by the third respondent, it shall be open to the petitioner to pursue further remedy. There shall be no order as to costs.

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L. NARASIMHA REDDY, J

Date: 16.04.2007
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